

## EXHIBIT D



## Justin A. Nelson

Partner

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### Overview

Justin Nelson is the go-to lawyer for high-stakes litigation. Justin's practice centers on taking cases to trial, arguing key motions leading up to trial or the appeal, and positioning the case for victory. He brings an unparalleled combination of trial and appellate excellence.

Most recently, Justin represented Dominion Voting Systems in its litigation against Fox, culminating in a \$787.5 million settlement—an amount that represented "vindication and accountability," as Justin stated. Watch the video [here](#).

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*"Justin Nelson has always had a reputation as a 'go to' lawyer in high stakes litigation but his major win in the defamation claim against Fox News has just elevated the 'go to' to 'must have."*

*LawFuel, "[Who is Justin Nelson – The Star Lawyer Who Took Fox News To Task](#)"*

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*"Justin is an amazing lawyer. He has it all. In court he's a sight to behold. His command of the law and facts is masterful."*

**Anthony C. Lame, CEO of Green Mountain Glass**

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*“Justin is a giant slayer. He wins. It is so impressive to watch him in action. Smart, dedicated. He fights hard for you and he does it with a smile. He’s exactly what you want from a lawyer.”*

**Ruben Bonet, CEO of Fractus**

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*“Since Justin Nelson began appearing, the court “has granted Nelson almost everything he has asked for.”*

The American Lawyer, click [here](#) for the full article

The Court in *Dominion v. Fox* publicly noted at the time of the settlement that “this is the best lawyering I’ve had, ever.” Justin took the deposition of Rupert Murdoch, among other key witnesses. A CNN legal commentator stated about that deposition: “I’ve never seen anything like these admissions. This is one of the most damaging depositions I’ve ever seen in my thirty years practicing law.”

Among other cases, Justin was lead counsel for Green Mountain when it obtained a \$64.5 million judgment against Ardagh in the Federal District Court of Delaware—a verdict upheld on appeal and was included on *National Law Journal’s* Top 100 Verdicts of the Year list.

Justin won a \$38 million judgment for repeat client, Fractus, (a case that later settled on appeal) and has led a strategy that has resulted in Fractus recovering over \$100 million.

#### **HIGH PROFILE LITIGATION**

*Dominion v. Fox* was one of a number of high-profile cases for Mr. Nelson. In *Dominion v. Fox*, the summary judgment briefing in the case earned widespread praise from the legal community and the broader public alike. Justin also represented a number of plaintiffs against a major car rental company that resulted in victories in court and ultimately a settlement.

In 2020, Justin represented various governmental actors regarding the 2020 election. His clients included entities with both Republican and Democratic control. Among his clients, Justin represented the Arizona Secretary of State in *Bowyer v. Ducey* and argued the successful motion to dismiss regarding the false allegations of election fraud. Justin also successfully represented the Governor of Wisconsin in a series of litigations related to the 2020 election. Justin also represents numerous non-fiction authors in a proposed class action against OpenAI and Microsoft.

## RECOGNITION

The legal industry has taken note of Justin's litigation talents. In 2010, *American Lawyer* wrote about how Justin fought off efforts from large banks to ram through a plan that would have disadvantaged individuals in the multi-billion Washington Mutual bankruptcy. He's also repeatedly been named a "Super Lawyer" by Thomson Reuters, among other recognitions.

## BACKGROUND & COMMITMENT TO THE LEGAL INDUSTRY

Justin is a former law clerk to Justice Sandra Day O'Connor at the United States Supreme Court and for Judge J. Harvie Wilkinson, United States Court of Appeals for the Fourth Circuit. Justin has represented various parties as amici in the Supreme Court of the United States, in cases ranging from intellectual property to antitrust to election law. He has practiced First Amendment law on behalf of various media companies.

Justin also has taught Advanced Constitutional Law on the Law of the Political Process and has served as the Chair of the Economics of the Profession Committee in the American Bar Association's Intellectual Property Division. He is a Fellow of the American Bar Association and the Texas Bar Association. Justin also currently teaches *Legislation & Statutory Interpretation* as an adjunct professor at The University of Texas School of Law, a class that covers a wide range of issues from public policy to statutes to criminal law to Constitutional law and the First Amendment.

In addition to his legal writings, Justin's article on Lyndon Johnson's role at the 1968 Democratic Convention appeared in the *Presidential Studies Quarterly*.

Justin is a member of Susman Godfrey's Executive Committee.

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## *Notable Representations*

### Representative Matters

- ***Dominion v. Fox***. Justin represented Dominion in the *Dominion v. Fox* litigation, a case that received widespread attention and resulted in a historic \$787.5 million settlement.

- **Election Litigation** Working pro bono on election-related litigation, Justin successfully represented various governmental actors in a non-partisan capacity during the 2020 election. His clients included those controlled by Republicans and Democrats. As Susman Godfrey lead counsel, his representations included the Arizona Secretary of State and the Wisconsin Governor in litigation defending the integrity of the 2020 election. These cases generated a significant amount of attention because the rulings—including in a case that Justin argued—made clear that the rule of law would prevail.
- ***Green Mountain Glass LLC and Culchro me LLC v. Saint-Gobain Containers, Inc., d.b.a Verallia North America.*** Served as lead counsel to Green Mountain Glass LLC in a patent infringement matter that spanned three years. A federal jury in Wilmington, Delaware awarded Green Mountain Glass more than \$50.3 million in its lawsuit against Ardagh Glass, Inc. The jury found Ardagh, formerly known as Saint-Gobain Containers, willfully infringed Green Mountain's patent No. 5,718,737 for technology that allows glass manufacturers to use recycled glass of mixed colors. Click [here](#) for more on the case or click [here](#) to read Law360's feature on the case in their "How They Won It" series.
- **Equity Committee of Washington Mutual.** Representing the Equity Committee, Justin helped the equity holders in Washington Mutual receive stock in the re-emerged company and a substantial role in the Liquidation Trust. In confirming the plan, the bankruptcy judge stated: "*I think the equity committee has really, really done a great job in getting a recovery for its constituents.*" American Lawyer awarded Justin "Litigator of the Week" for his work on the case.
- ***Fractus v. Samsung et al.*** Served as co-lead counsel in a patent case involving antennas for mobile phones. In addition to running the case on a daily basis and examining key witnesses, Justin argued case-dispositive matters such as Markman and summary judgment. Before trial, Fractus reached licenses with all the original Defendants except for Samsung. These licenses resulted in agreements worth over \$100 million in total. During trial against Samsung, Justin presented and cross-examined key witnesses such as one of the inventors of the patents-in-suit; Fractus's technical expert; Samsung's lead engineer; and Samsung's damages expert. The trial resulted in a \$23 million jury verdict for his client Fractus against Samsung, and a \$38 million judgment. The case was settled after Justin's appellate argument.
- ***In re Stewart.*** Represented a family member who had been excluded from a large estate. Justin prevailed against the Estate's Motion to Dismiss and invalidated the in terrorem clauses in the will and trust. In addition, he successfully argued that the trial court that Arizona should recognize a claim of tortious interference with inheritance, becoming the first court in the state to do so. Soon after the court ruled in favor of Justin's client, the case settled.

## *Honors & Distinctions*

- IAM Patent 1000: Worlds Leading Patent Professionals ([2023](#))
- *American Lawyer's Litigator of the Week* in [2023](#) for his work related to *Dominion v. Fox* and in [2010](#) for his work related to the Washington Mutual litigation.
- [Litigation Star](#), Benchmark Litigation ([2022](#), [2023](#) Euromoney)
- *Lawdragon* 500 Leading Plaintiff Financial Lawyer ([2023](#))
- *Lawdragon* 500 Leading Litigator ([2022](#), [2023](#))
- Recommended Lawyer, Dispute Resolution: General Commercial Disputes, The Legal 500 ([2018](#), [2019](#))
- Recommended Lawyer, IAM Patent 1000
- John Ordronaux Prize for Highest Academic Average in Graduating Class
- James Kent Scholar, 1997-98, 1998-99, 1999-2000
- Articles Editor, Columbia Law Review (1999-2000)

## *Clerkships*

Honorable Sandra Day O'Connor, Supreme Court of the United States, 2002-2003

Honorable J. Harvie Wilkinson III, United States Court of Appeals for the Fourth Circuit, 2000-2001

## *Education*

**Yale University** (B.A., cum laude, 1997)

**Columbia Law School** (J.D., , 2000)



## Rohit Nath

Partner

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### Overview

Rohit Nath represents plaintiffs and defendants in high stakes litigation. He has taken on industry leaders such as the country's biggest insurers, major media and technology companies, and international wireless carriers in courts across the United States. Nath has handled disputes in an array of practice areas, including insurance, copyright, patent, breach-of-contract, and real estate.

In *37 Besen Parkway LLC v. John Hancock Life Insurance Co*, Nath was a significant part of a team of Susman Godfrey lawyers that secured a settlement of \$91.25 million (before fees and expenses) for a certified class of insurance policy owners against John Hancock Life Insurance Company. In the final approval order, Judge Paul Gardephe described the settlement as a "quite extraordinary . . . result achieved on behalf of the class." You can read more about the case [here](#) (subscription required).

Nath is currently prosecuting similar class actions against a number of other insurance companies, including Equitable, Voya Retirement & Annuity Company, and ReliaStar Life Insurance Company. More information on the Voya class action, which was certified in 2019, can be found [here](#).

On the defense side, Nath was hired by Lighting Science Group Corporation after it was sued by its former patent broker. Serving as lead counsel for Lighting Science, Nath successfully compelled arbitration, took and defended key depositions, and briefed and argued critical motions. The parties reached a confidential settlement on the eve of the plenary arbitration hearing.

In addition to the cases above, Nath also:

- Represents a putative class of professors and textbook authors in a lawsuit against one of the world's largest textbook publishers, Cengage

Learning, related to underpayment of royalties for electronic textbook offerings.

- Represents Flo & Eddie—the founding members of the 70's music group, the Turtles—against Pandora and SiriusXM in litigation concerning the unlicensed use of pre-1972 sound recordings.
- Represents SAJE and ACCE Action, two tenant advocacy groups, as proposed intervenors to help defend the City of Los Angeles's eviction and rent-freeze ordinances enacted in the wake of the COVID-19 pandemic.

Nath is active in the Los Angeles legal community. He received a Public Counsel Pro Bono award for his legal work to help the troubled LA housing situation. The Daily Journal and Law360 also profiled Nath and his colleagues for their significant pro bono work in this area. He is a longtime board member of the South Asian Bar Association of Southern California and served as co-president during the 2021-2022 term. Nath is also a member of the Executive Committee of the Litigation Section of the Los Angeles County Bar Association.

Nath joined Susman Godfrey after working as a trial attorney at the U.S. Department of Justice and as a law clerk on the U.S. Court of Appeals for the Ninth Circuit. He graduated with high honors from The University of Chicago Law School, where he served as editor-in-chief of *The University of Chicago Law Review*. Before law school, he taught eighth-grade math in Oklahoma as a Teach for America corps member.

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## *Notable Representations*

### **Insurance**

- **37 Besen Parkway LLC v. John Hancock Life Insurance Co.** (S.D.N.Y.) Secured a \$91.25 million all-cash, non-reversionary settlement (before fees and expenses) for a certified class of insurance policy owners. The class alleged that John Hancock breached the life insurance contracts of the class by failing to charge cost-of-insurance rates that were “based on [John Hancock’s] expectations of future mortality experience.” Nath had a critical role in achieving what Judge Paul Gardephe described as a “quite extraordinary” result for the class.
- **Brach Family Foundation v. AXA Equitable Life Insurance Company** (S.D.N.Y.) Represent a putative class of insurance policyholders suing AXA for a cost-of-insurance increase on the Athena Universal Life II product, claiming breach of contract and violations of New York Insurance Law Section 4226.
- **Helen Hanks vs. The Lincoln Life & Annuity Company of New York; Voya Retirement Insurance and Annuity**

**Company** (S.D.N.Y.) Litigating an insurance matter against Voya Life Insurance Company. The class was recently certified by the court.

- **Advance Trust & Life Escrow Services, LTA v. ReliaStar Life Insurance Company** (D. Minn.) Represents a putative class of life insurance policyholders against ReliaStar Life Insurance Company related to ReliaStar's failure to charge cost-of-insurance rates in accordance with the terms of its policies. The case is in discovery.
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#### Breach of Contract

- **Rui Zhi Ventures, Ltd. v. Lighting Science Group Corporation**, (C.D. Cal. and JAMS Arbitration) Represented Lighting Science Group Corporation in a fee dispute with its former patent broker. After successfully compelling arbitration, the parties reached a confidential settlement on the eve of the plenary arbitration hearing.
  - **Bernstein, et al. v. Cengage Learning, Inc.** (S.D.N.Y.) Represents a putative class of textbook authors against one of the world's largest textbook publishers. Plaintiffs allege that Cengage has breached its publishing agreements with authors by manipulating the royalty base used to calculate royalties for Cengage's online textbook offerings.
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#### Intellectual Property

- **Flo & Eddie Inc. v. Pandora** (C.D. Cal.) Serve as co-lead counsel representing Flo & Eddie (the founding members of 70's music group, The Turtles) in this putative class action alleging infringement of the public performance right in sound recordings, copying, and misappropriation. The case is before the district court, following remand from an appeal to the Ninth Circuit Court of Appeals. This case follows the similar, *Flo & Eddie v. Sirius XM*, in which Susman Godfrey secured a settlement for the class valued at up to \$73 million. The Court granted final approval of that settlement in 2017.
- **Personalized Media Communications, LLC Cases** (E.D. Tex.) Represented Personalized Media Communications (PMC) in a series of patent infringement cases against Vizio, Samsung, and Funai. Nath played a key role in these cases, which included taking and defending key depositions and briefing claim construction motions. PMC reached favorable, confidential settlements with each defendant.

## *Honors & Distinctions*

- “They’ve Got Next: The 40 Under 40” *Bloomberg Law* (Bloomberg, 2023)
- Lawdragon 500X – The Next Generation of Leading Lawyers (2023)
- California Lawyer Attorney of the Year, *Daily Journal* (2023)
- Rising Stars of the Plaintiffs Bar, *National Law Journal’s Elite Trial Lawyers* (2022, ALM)
- Public Counsel Pro Bono Award (2020)
- Named a Sports and Entertainment Litigation Trailblazer by *National Law Journal* (2020, ALM)
- Rising Star, Southern California (Thomson Reuters, 2020, 2021, 2022, 2023)
- Editor-in-Chief, *The University of Chicago Law Review*
- Order of the Coif
- Kirkland & Ellis Scholar: Awarded to top 5 percent of the 1L class
- 2011 Teacher of Today Award
- Wake Forest University Debate Team

## *Clerkships*

Honorable Alex Kozinski, United States Court of Appeals for the Ninth Circuit



## Alejandra C. Salinas

Partner

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### Overview

Alejandra C. Salinas tries high stakes cases in state and federal courts across the country. She has secured hundreds of millions of dollars in jury verdicts and settlements for plaintiffs in cases involving intellectual property, energy, antitrust, and general contract disputes. She has also successfully defended Fortune 500 and startup companies against dozens of multi-million-dollar claims.

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*“Alejandra knocked it out of the park. They gave us every penny we asked for on our compensatory damages claim.”*

*Partner Lexie White, Texas Lawyer*

Ms. Salinas served on a trial team that won a \$37.5 million verdict for Atlas Global Technologies in its patent infringement case against Chinese telecom equipment manufacturer TP-Link. A Texas jury issued the verdict against TP-Link for infringing five patents for wireless routers that meet an industry standard known as “WiFi 6,” which was developed to provide fast, efficient internet connections for high-density locations such as offices, shopping malls and apartment buildings. Following a five-day trial (where Ms. Salinas was praised for her presentation of her client and her team’s damages expert) and just a few hours of deliberations, the jury determined TP-Link owes Atlas \$37,481,264 in damages.

Ms. Salinas previously secured a \$42.75 million settlement for oil and gas non-operator, Mirada Energy, in its breach of contract case against Oasis Petroleum. For retail marketing firm, Insignia Systems, in its antitrust case against News Corporation and its subsidiary, NAM, Ms. Salinas secured a \$20 million settlement in the District of Minnesota.

Ms. Salinas has been recognized as one of the best young lawyers in America by *Lawdragon*, a Texas Rising Star by *Thomas Reuters Super Lawyer*, and a Top Women in Law in Houston by the *National Diversity Council*.

Ms. Salinas also has significant pro bono experience, including defending Harris County Judge Lina Hidalgo against a partisan election challenge (*Texas Tribune*), working with the ACLU to secure a settlement with Magnolia ISD to eliminate its discriminatory hair policy (*Houston Chronicle*), co-drafting a Supreme Court amicus brief on political gerrymandering, and successfully arguing an immigration case before the 9th circuit whereby the client was able to remain in the county.

Before joining the firm, Ms. Salinas was a surrogate for President Barack Obama and the youngest member of the Democratic National Committee's Executive Committee. She delivered a nationally televised speech on the final night of the *2012 Democratic National Convention*, addressed embassies around the world, and was interviewed by CNN, Univision, Telemundo, NPR, PBS, and USA Today.

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## *Notable Representations*

### **Notable Representations**

- ***Atlas Global Technologies LLC v. TP-Link Technologies Co., Ltd. et al (E.D. Tex.)*** Won a \$37.5 million verdict for Atlas Global Technologies in its patent infringement case against Chinese telecom equipment manufacturer TP-Link. A Texas jury issued the verdict against TP-Link for infringing five patents for wireless routers that meet an industry standard known as "WiFi 6," which was developed to provide fast, efficient internet connections for high-density locations such as offices, shopping malls and apartment buildings. Following a five-day trial and just a few hours of deliberations, the jury determined TP-Link owes Atlas \$37,481,264 in damages. [Read more.](#)
  
- ***Mirada Energy LLC v. Oasis Petroleum Inc.*** Secured a \$42.75 million settlement for oil and gas non-operator, Mirada Energy, in its breach of contract case against Oasis Petroleum. Mirada Energy, who was subject to a joint operating agreement with midstream participation rights, alleged that Oasis Petroleum breached this agreement when it refused to allow Mirada to participate in Oasis's construction and operation of midstream facilities in North Dakota. Before settlement, Ms. Salinas took several key depositions, including Oasis's Chairman and CEO, and successfully argued several discovery motions.

- ***UNM Rainforest Innovations v. Taiwan Semiconductor Manufacturing Company (TSMC), Samsung Electronics Co. Ltd., and GlobalFoundries Inc.*** Secured confidential settlements for UNM Rainforest Innovations in its patent infringement cases against TSMC, Samsung, and GlobalFoundries involving semiconductor manufacturing technology. UNM Rainforest Innovations is the University of New Mexico's non-profit corporation dedicated to commercializing the wide range of technology developed at the UNM. Ms. Salinas delivered the opening argument in an eight-figure arbitration against one of the defendants.
  
- ***Insignia Systems v. News Corporation and News America Marketing (NAM).*** Secured a \$20 million settlement for retail marketing firm, Insignia Systems, in its antitrust case against News Corporation and its subsidiary NAM. Insignia was one of NAM's only remaining competitors for in-store advertising displays and alleged that News Corp. and NAM acquired and maintained a monopoly in this market through exclusionary agreements. Before settlement, Ms. Salinas deposed several current and former News Corp. and NAM executives.

## *Honors & Distinctions*

- Lawdragon 500X – The Next Generation of Leading Lawyers (2023)
- Rising Star, Texas Super Lawyers (2022, 2023, Thomson Reuters)
- Future Leader – LGBT + Equality, Chambers USA (2019)
- Top Women in Law, The National Diversity Council (2017)

## *Clerkships*

Chief Judge Sidney R. Thomas, United States Court of Appeals for the Ninth Circuit

## *Education*

**Boston College Law School** (J.D., cum laude)

- Point Foundation Scholar (national LGBTQ scholarship)
- The University of Texas** (B.B.A., Management, )
- Friar Society (UT's oldest honor society)

*Leadership &  
Professional  
Memberships*

- Former Co-Chair, Susman Godfrey Diversity Committee
- Board Member, Second Mile Haiti, a non-profit organization focused on empowering Haitian women and children
- Former Young Lawyer Representative, American Bar Association Antitrust Law Section
- Member, Houston Bar Association LGBTQ+ Committee



## J. Craig Smyser

Associate

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### *Overview*

Craig Smyser joined Susman Godfrey after clerking for the Honorable Debra Ann Livingston of the United States Court of Appeals for the Second Circuit and for the Honorable Christopher R. Cooper of the United States District Court for the District of Columbia. Mr. Smyser graduated *cum laude* with Departmental Honors in Philosophy from Dartmouth College. He earned his J.D. *magna cum laude* from Harvard Law School, where he was a semifinalist in the Ames Moot Court competition and served as Executive Submissions Editor of the *Journal on Legislation*. Prior to law school, Mr. Smyser served as a Fulbright Teaching Fellow in Turkey and worked as a consultant for L.E.K. Consulting in New York City.

### *Clerkships*

Honorable Christopher R. Cooper, United States District Court for the District of Columbia

Honorable Debra Ann Livingston, United States Court of Appeals for the Second Circuit

### *Education*

**Harvard Law School** (J.D., magna cum laude)

**Dartmouth College** (B.A., Philosophy, cum laude)

*Admissions*

**Bar Admissions**

- New York
  - Texas
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**Court Admissions**